ER RECEIVED FOR F

* DEPUTY ZONING COMMISSIONER

(53 West Timonium Road) 9th Election District 6th Councilmanic District

* OF BALTIMORE COUNTY * Case No. 92-212-A

Mass Transit Administration Petitioner * * * * * * * * * * *

PINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Section 413.6.B.1 and 2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an identification sign on the subject property zoned M.L.-1.M. of 50.27 sq.ft. per side (100.54 sq.ft. total) in lieu of the maximum permitted 25 sq.ft. per side (50 sq.ft. total), and a height of 24 feet in lieu of the maximum permitted 6 feet, in accordance with Petitioner's Exhibit 1.

The Petitioner, by Sean Warrington, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 23 West Timonium Road, consists of 118,280 sq.ft. zoned M.L.-I.M. and is improved with a commercial warehouse building currently leased by 84 Lumber. Sean Warrington testified that he recently applied for a building permit to construct an addition to the existing warehouse building at which time he was advised that a variance was required for an existing identification sign. Mr. Warrington testified that the subject sign has existed in its present state for the past 10 to 15 years without prior complaint. Testimony indicated that the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding uses and that strict compliance will result in unreasonable hardship for Petitioner.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and

McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

> ?) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Zoning Variance from Section 413.6.B.1 and 2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an identification sign on the subject property zoned M.L.-1.M. of 50.27 sq.ft. per side (100.54 sq.ft. total) in lieu of the maximum permitted 25 sq.ft. per side (50 sq.ft. total), and a height of 24 feet in lieu of the maximum permitted 6 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED.

> buthy Korroso Deputy Zoning Commissioner -2- for Baltimore County

TMK:bjs

radius of 3177.25 feet and whose chord bears North 15°58'42" West for a distance of 679.08 feet, to the aforementioned northerly line of the land shown in Rental Agreement Number

84 Development Company, formerly known as 84 Lumber Company by Consolidated Rail Corporation by Lease Agreements numbered 03-20970, 03-22236 and 03-22240, and situate in Timonium, Baltimore County, Maryland.

ON May 1, 1990, an Agreement of Sale was executed between Consolidated Rail Corporation and Mass Transit Administration, an agency of the State of Maryland by which the title of said land leased to 84 Development Company situate in Timonium, Baltimore County, Maryland, was transferred to said Administration along with the aforementioned Lease Agreements. Said Deed is recorded among the Land Records of Baltimore County, Maryland, in Liber 8506, Page



887-3353

Petition for Variance

133

to the Zoning Commissioner of Baltimore County 92-The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 413, 63, 1+2, 50,27, safet/side area and 24' ht In liew of the required 25 safet Iside and 6' ht man ML-IM zone

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

UNDUE Hardship due to the fact that other signs in area

UNDUE Hardship due to the fact that signs and he wisi are as high if not higher, and sign would not be visible at a lower height. Also practical difficulty due to the fact of the back set of store it is not visible thus it is Imperative that the sign is visible,

Property is to be posted and advertised as prescribed by Zoning Regulations.

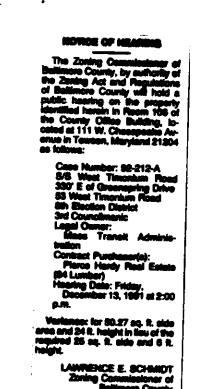
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County,

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this l'etition. Contract Purchaser/Lessee: Legal Owner(s): Mass Transit Administration Pierce Hardy Real Estate (Type or Print Name) (Type or Print Name) Thelsone Kuchert Senature VICE President Nelson E. Reichart, Manager _4121. Washington-Rd-----(Type or Print Name) Real Estate McMurray-,--PA-15317------City and State Attorney for Petitioner: 300 W. Lexington St. (301) 333-3457 Baltimore, Maryland 21201-3415 Name, address and phone number of legal owner, contract purchaser or representative to be contacted Attorney's Telephone No.: OFFICE USE ONLY ESTIMATED LENGTH OF HEARING -1/2HR. AVAILABLE FOR HEARING MON./TUES./WED. - NEXT TWO MONTHS ALL ____OTHER ____

92-212-8

REVIEWED BY: DATE

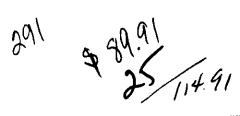
Tion 30'5 of Amore
30' 8 of Champton
y furto prount
30'E of Guenspung
n front of subject
return December 2, 199



TOWSON, MD., 742.29 . 199/

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of _____ successive

THE JEFFERSONIAN.



183

COMPOSITE DESCRIPTION OF THREE PIECES OR PARCELS OF LAND LEASED TO 84 DEVELOPMENT COMPANY BY CONSOLIDATED RAIL CORPORATION SITUATE IN TIMONIUM, BALTIMORE COUNTY, MARYLAND 92-212 A

BEGINNING for the same at the point of intersection of the southerly right-of-way line of Timonium Road as now laid out and existing and the westerly right-of-way line of the Consolidated Rail Corporation; run thence

1. North 57'55'29" East 30.38 feet on said southerly right-of-way

2. South 22°56'46" East 410.00 feet on an easterly line of the lands shown in Rental Agreement Number 03-20970, parallel to said westerly line to intersect the northerly line of the lands shown in Rental Agreement Number 03-22236; thence

3. North 67°53'13" East 20.00 feet on said northerly line; thence 4. North 22'56'46" West 420.00 feet on a westerly line of the lands shown in Rental Agreement Number 03-20970, parallel to said westerly right-of-way line and crossing the aforementioned southerly right-of-way line of Timonium Road to a point located in the bed of Timonium Road; thence

5. North 57°55'29" East 30.38 feet; thence on the easterly lines of the aforementioned Rental Agreement Number 03-20970 the following three (3) bearings and distances:

6. South 22'56'46" East 90.00 feet parallel to said westerly right-of-way line,

7. South 12.22.56" East 120.00 feet, and

8. South 22°56'46" East 217.00 feet to the aforementioned northerly line of the lands shown in Rental Agreement Number 03-22236; thence

9. North 67°53'13" East 21.66 feet on said northerly line; thence

92-Z12-A

10. Southerly parallel to and 80.00 feet distant from said westerly right-of-way line, 697.51 feet by a curve to the right having a radius of 3257.25 feet and whose chord bears South 15.58'42" East for a distance of 696.17 feet; thence

11. South 09'50'37" East 576.00 feet parallel to and 80 feet distant from said westerly line; thence

12. South 80°09'23" West 80.00 feet to intersect said westerly line; thence running on said westerly line the following four (4) courses and distances:

13. North 09'50'37" West 576.00 feet,

14. Northwesterly 680.37 feet by a curve to the left having a 03-22236,

15. Northwesterly 46.21 feet by a curve to the left having a radius of 3177.25 feet and whose chord bears North 22°31'46" West for a distance of 46.21 feet, and

16. North 22.56'46" West 358.59 feet to the point of beginning. CONTAINING 118,280 square feet more or less.

BEING all of those three pieces or parcels of land leased to

mailing one example cross confident. Zoning Commissioner Office of Planning and Zoning

December 20, 1991

Enclosed please find a copy of the decision rendered in the

In the event any party finds the decision rendered is unfavor-

Very truly yours,

TIMOTHY M. KOTROCO

for Baltimore County

Deputy Zoning Commissioner

above-captioned matter. The Petition for Zoning Variance has been granted

able, any party may file an appeal to the County Board of Appeals within

thirty (30) days of the date of this Order. For further information on

filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

53 West Timonium Road, Lutherville, Md. 21093

S/S Timonium Road, W of Consolidated Rail Corporation

9th Election District - 6th Councilmanic District

Mass Transit Administration - Petitioner

111 West Chesapeake Avenue

Mass Transit Administration

Baltimore, Maryland 21201-3415

Attn: Nelson E. Reichart, Manager

RE: PETITION FOR ZONING VARIANCE

(53 West Timonium Road)

in accordance with the attached Order.

300 W. Lexington Street

Real Estate

Case No. 92-212-A

cc: Mr. Sean Warrington

People's Counsel

Dear Mr. Reichart:

Towson, ND 21204

CERTIFICATE OF PUBLICATION

The Zening Commissioner of Ballimore County, by authority of the Zoning Act and Regulations of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Cheespeake Averue in Toweon, Maryland 21204 as follows:

Case Number: 92-212-A S/S West Timonium Road 330' E of Greenspring Drive 53 West Timonium Road 330' E of Greenspring Drive 53 West Timonium Road 38h Election District 3rd Councilmentic Legal Owner: Mass Transit Administration Contract Purchaser(s): Pierce Hardy Real Estate (94 Lumber) Hearing Date: Friday, December 13, 1991 at 2:00 p.m. NOTICE OF HEARING Variance: for 50.27 sq. ft. side area and 24 ft. height in lieu of the required 25 sq. ft. side and 6 ft. height.

TOWSON, MD., 200. 29 , 1991 THIS IS TO CERTIFY, that the annexed advertisement was

published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of _____ successive weeks, the first publication appearing on 20028, 1991.

TOWSON TIMES,

5. Zeke Orlan

Bultimore County
Zoning Commissioner
County Office Building
111 west Chesapeake Avenue
Lowson, Moryland 21204

Cashier Validation

STATE OF STA Control of the second Please Make Checks Payable To Baltimore County

Zoning Plans Advisory Committe Coments Date:December 4, 1991

> Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the peition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or imcompleteness.

Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a .72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Zoning Plans Advisory Committee

Enclosures

cc: Pierce Hardy Real Estate 4121 Washington Road McMurray, PA 15317

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning 111 West Chesapeake Avenue

Towson, MD 21204

DATE: 12 5-41

Pierce Hardy Real Estate 4121 Washington Road McMurray, Ph 15317

CASE MIMBER: 92-212-A S/S West Timonium Road 330' E of Greenspring Drive 53 West Timonium Road 8th Election District - 3rd Councilmanic Legal Owner: Mass Transit Administration Contract Purchaser(s): Pierce Hardy Real Estate (84 Lumber)

Dear Petitioner(s):

Please be advised that \$ 114.11 is due for advertising and posting of the above captioned

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return small to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Haryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

ARNOLD JABLON

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 10th day of November, 1991.

Zoning Plans Advisory Committee

Petitioner: Mass Transit Administration Petitioner's Attorney:

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

MOVEMBER 19, 1991

887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeaks avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 92-212-A S/S West Timonium Road 330' E of Greenspring Drive

53 West Timonium Road 8th Election District - 3rd Councilmanic Legal Owner: Mass Transit Administration Contract Purchaser(s): Pierce Hardy Real Estate (84 Lumber) HEARING: FRIDAY, DECEMBER 13, 1991 at 2:00 p.m.

Variance for 50.27 sq. ft. side area and 24 ft. height in lieu of the required 25 sq. ft. side and 6 ft.

BALTIMORE COUNTY, MARYLAND

DATE: November 25, 1991

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director

Development Management

comments.

PK/JL/rdn

ITEM183/TXTROZ

Office of Planning at 887-3211.

Zoning Administration and

Pat Keller, Deputy Director

Office of Planning and Zoning

SUBJECT: Mass Transit Administration, Item No. 183

Clayman Property, Item No. 222 Durkee Property, Item No. 223

Blevins Property, Item No. 228

Copinger Property, Item No. 229 Griffith Property, Item No. 230

Starrett Property, Item No. 234

Sargent/Smith Property, Item No. 232

In reference to the Petitioners' request, staff offers no

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the

Zoning Commissioner of Baltimore County

> cc: Mass Transit Administration Pierce Hardy Real Estate

Mr. Nelson R. Reichart Mass Transit Administration 300 W. Lexington Street Baltimore, MD 21201-3415

111 West Chesapeake Avenue

Towson, MD 21204

December 4, 1991

Baltimore County Government
Office of Zoning Administration

and Development Management

Office of Planning & Zoning

RE: Item No. 183, Case No. 92-212-A Petitioner: Mass Transit Administration Petition for Variance

(410) 887-3353

Dear Mr. Reichart:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: December 2, 1991

Mr. Arnold Jablon, Director Office of Zoning Administration and Development Management

Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: November 19, 1991

This office has no comments for item numbers 183, 222, 223, 224, 227

(410) 887-3353

Baltimore County Government Fire Department

700 East Joppa Road, Suite 901 Towson, MD 21204-5500

(301) 887-4500

NOVEMBER 25, 1991

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204

MASS TRANSIT ADMINISTRATION RE: Property Owner:

#53 WEST TIMONIUM ROAD - 84 LUMBER Location: Zoning Agenda: NOVEMBER 19, 1991 Item No.:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

SITE PLAN FAILS TO SHOW HYDRANTS AT 300' INTERVALS.

Approved : Fire Prevention Bureau Planning Group Special Inspection Division

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

Coning Advisory Committee Meeting for November 19, 1991

FROM: Robert W. Bowling, P.E.

may be required for these sites.

TO: Arnold Jablon, Director DATE: November 20, 1991 Zoning Administration and Development Management

The Developers Engineering Division has reviewed

For Items 183 and 225, County Review Group Meetings

For Item 224, the owner is cautioned that there is

ROBERT W. BOWLING, P.E., Chief

Developers Engineering Division

an existing 10-foot drainage and utility easement along

the west property line and that no permanent structures are allowed in County rights-of-ways. A 70-foot unit

on this lot will encroach on either the 10-foot or

15-foot side yard line shown on the plat.

the subject forming items and we have no comments for Inems 222, 200, 227 and 223.

JP/KEK

MODIFIED AND CONSOLIDATED LEASE

THIS AGREEMENT OF LEASE made the _______ day of ________.

1991 by and between the MARYLAND MASS TRANSIT ADMINISTRATION, an agency of the Department of Transportation of the State of Maryland, (hereinafter called Department of Fransportation of the State of Maryland, thereinafter "Landlord") and 84 LUMBER COMPANY, a Pennsylvania corporation (hereinafter called "Tenant"), WITNESSETH:

ZONING OFFICE

WHEREAS, Consolidated Rail Corporation ("Conrail"), as landlord, entered into a lease agreement, dated April 14, 1978, with Tenant for the lease of approximately 100,480 square feet of land located approximately 398 feet south of Timonium Road, Timonium, Maryland (the "Original Main Parcel") (Lease No. 03-22236); and

WHEREAS, Conrail, as landlord, entered into a lease agreement, dated December 5, 1978, with Tenant for the lease of two additional parcels of land containing approximately 17,800 square feet and contiguous to the Original Containing approximatery 17,000 square reat and contriguous to the Original Main Parcel (the "Parking Area Parcel"), as modified by a Modification Agreement dated January 1, 1985, (Lease No. 03-20970); and

WHEREAS, Conrail and Tenant entered into a license agreement, dated January 1, 1979, granting Tenant the right to construct and maintain an unitiary 1, 1977, granting remains the right to commerce and marinear and illuminated signboard and a water line servicing Tenant's improvements on the Original Main Parcel, as modified by a Modification Agreement dated January 1, 1985, (Lease No. 03-22240) (Lease No.'s 03-22236, 03-20970, and 03-22240, as modified, collectively called the "Original Leases"); and

WHEREAS, by deed dated May 1, 1990, Conrail conveyed the fee simple interest in the Original Leased Parcels and simultaneously assigned all of its rights and obligations under the Original Leases to the Maryland Mass Transit Administration; and

WHEREAS, Landlord desires to delete an area approximately 380 feet by 80 feet from the "Original Main Parcel" and Landlord and Tenant desire to otherwise modify and consolidate the Original Leases.

NOW, THEREFORE, in consideration of the rents to be paid and of the covenants and agreements hereinafter mentioned on the part of Tenant to be paid, kept and performed, Landlord hereby leases to Tenant the following described premises:

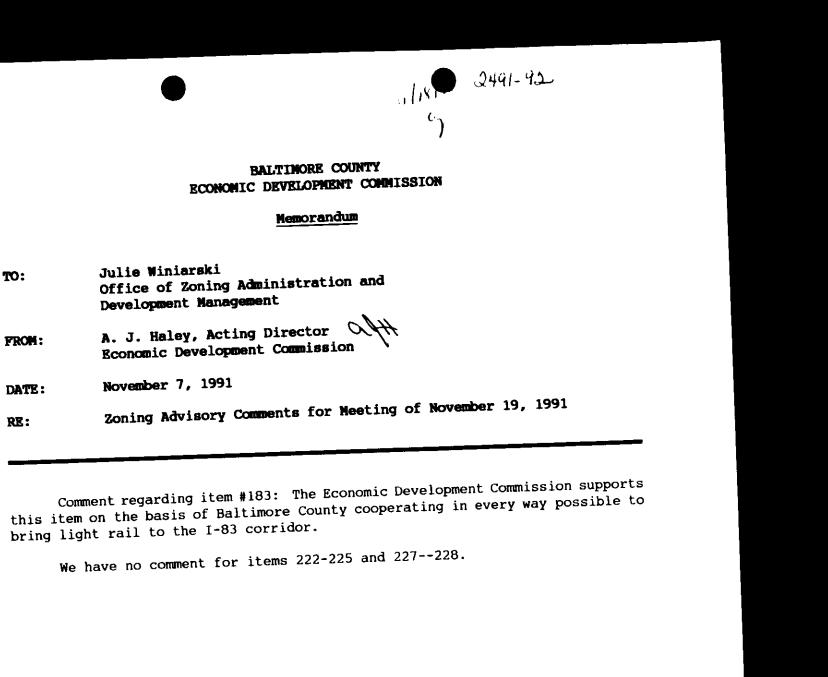
ALL THAT CERTAIN parcel of land containing 70,080 square feet, more or less, Situate a distance of 398 feet, more or less, south of Timonium Road, Timonium, Baltimore county, Maryland, indicated as "Parcel 1" on Exhibit A (the "Main Parcel").

ALL THOSE TWO CERTAIN pieces or parcels of land situate in Timonium,
Baltimore County, Maryland, indicated as "Parcels 2 and 3" on Exhibit A attached hereto and ide a part hereof; CONTAINING a total area of 17,800 square feet, more or less (the "Parking Area Parcel"); and.

TOGETHER WITH the right to construct and maintain, at Tenant's sole cost and expense, but in a manner satisfactory in all respects to Landlord, one illuminated signboard and one one-inch water line to service Tenant's lumber buildings located on the Main Parcel (the "Sign/Water Service License").

granter to underground drainage ditch and pipes constructed beneath the herein demised premises.

92.212-A



2491-42

BALTIMORE COUNTY

ECONOMIC DEVELOPMENT COMMISSION

Zoning Advisory Comments for Meeting of November 19, 1991

Office of Zoning Administration and

A. J. Haley, Acting Director Afth Economic Development Commission

We have no comment for items 222-225 and 227--228.

Development Management

bring light rail to the I-83 corridor.

